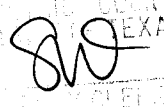


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY: 

MAXINE WHITE,

PLAINTIFF,

V.

FRONTIER AIRLINES, INC.,

DEFENDANT AND

THIRD PARTY

PLAINTIFF,

V.

THE AUSTIN FIRE DEPARTMENT,  
THE CITY OF AUSTIN AVIATION  
DEPARTMENT, AUSTIN-BERGSTROM  
INTERNATIONAL AIRPORT, THE  
CITY OF AUSTIN, AND HUNTLEIGH  
USA CORPORATION,

THIRD PARTY  
DEFENDANTS.

CAUSE NO. 1:16-CV-1266-LY

**ORDER**

Before the court is Defendant and Third Party Plaintiff Frontier's ("Frontier") Third Party Complaint filed on July 21, 2017 (Dkt. No. 12). Third Party Defendant Huntleigh USA Corporation ("Huntleigh") was served on August 4, 2017 (Dkt. No. 20). In response, Huntleigh filed a Motion to Dismiss or in the Alternative, Motion for More Definite Statement on August 25, 2017 (Dkt. No. 22). Frontier's response was due on September 8, 2017. *See* W.D. Tex. Local R. CV-7(e) (requiring party opposed to motion to respond within 14 days of service of dispositive motion and allowing district court to grant motion as unopposed if no timely response is filed). As of the date of this order, Frontier has not responded to Huntleigh's motion to dismiss. Pursuant to Local Rule CV-7(e)(2), Huntleigh's motion may be granted as unopposed if review of the pleadings reveals that Frontier has failed to state a claim upon which relief can be

granted. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007); *Cf. John v. La. Bd. of Trs. for State Colls. & Univs.*, 757 F.2d 698, 707–10 (5th Cir. 1985). Having reviewed the motions and the pleadings in this cause, the court finds that the motion to dismiss Frontier’s claims against Huntleigh should be granted. Accordingly,

**IT IS ORDERED** that Huntleigh’s Motion to Dismiss (Dkt. No. 22) is **GRANTED**. Frontier’s claims against Huntleigh are **DISMISSED WITH PREJUDICE**.

SIGNED this 19th day of September, 2017.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE